

Rudolph A. Telscher, Jr.* (MO Bar No. 41072)
 rudy.telscher@huschblackwell.com
 Kara R. Fussner* (MO Bar No. 54656)
 kara.fussner@huschblackwell.com
 HUSCH BLACKWELL LLP
 190 Carondelet Plaza, Suite 600
 St. Louis, MO 63105
 314-480-1500 Telephone

Ryan B. Hauer* (IL Bar No. 6320758)
 ryan.hauer@huschblackwell.com
 HUSCH BLACKWELL LLP
 120 South Riverside Plaza Suite 2200
 Chicago, IL 60606
 312-526-1572 Telephone

*admitted *pro hac vice*

Karl Kronenberger (CA Bar No. 226112)
 karl@krinternetlaw.com
 Jeffrey M. Rosenfeld (CA Bar No. 222187)
 jeff@krinternetlaw.com
 KRONENBERGER ROSENFELD, LLP
 150 Post Street, Suite 520
 San Francisco, CA 94108
 415-955-1155 Telephone
 415-955-1158 Facsimile

***Attorneys for Defendants Plaintiffs
 BrandTotal, Ltd. and Unimania, Inc.***

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO/OAKLAND DIVISION**

FACEBOOK, INC., a Delaware
 corporation,

Plaintiff,

v.

BRANDTOTAL, LTD., an Israeli
 corporation, and
 UNIMANIA, INC., a Delaware
 corporation,

Defendants.

Case No.: 3:20-CV-07182-JCS

**NOTICE OF MOTION AND *EX PARTE*
 MOTION OF DEFENDANTS
 BRANDTOTAL, LTD. AND UNIMANIA,
 INC. FOR TEMPORARY RESTRAINING
 ORDER AND ORDER TO SHOW CAUSE
 WHY PRELIMINARY INJUNCTION
 SHOULD NOT ISSUE**

Judge: The Hon. Joseph C. Spero
 Ctrm.: Courtroom F – 15th Floor
 Date: TBD
 Time: TBD

Ex Parte Motion for Temporary
 Restraining Order

Case No. 3:20-CV-07182-JCS

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE THAT, at a time to be set by the Court, pursuant to Federal Rule of Civil Procedure 65 and Civil Local Rule 65-1, Defendants BrandTotal, Ltd. and Unimania, Inc. (collectively, “BrandTotal”), by and through undersigned counsel, will and hereby do respectfully move *ex parte* for an order from this Honorable Court for issuance of a Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Issue against Plaintiff Facebook, Inc. (“Facebook”).

This *ex parte* application is based on the attached Memorandum, Declaration of Oren Dor, Declaration of Alon Leibovich, Declaration of Rudolph A. Telscher, Jr. Exhibits A-O filed herewith, the records and pleadings on file in this action, and upon such other pleadings and evidence that may be presented prior to or at any oral argument that may be permitted by the Court. A Proposed Temporary Restraining Order is also respectfully submitted herewith.

This Motion is made on the grounds that:

- (1) absent injunctive relief, BrandTotal is likely to suffer irreparable harm, including substantial disruption to its business;
- (2) the balance of equities tips decidedly in BrandTotal’s favor;
- (3) BrandTotal is likely to succeed on the merits of its claims as well as Facebook’s claims;
- and
- (4) the public interest would be served by the issuance of a temporary restraining order.

BrandTotal’s Motion seeks relief *ex parte* that the Court Order Facebook to:

- (1) Rescind the takedown request to remove BrandTotal’s UpVoice browser extension from the Google Chrome Web Store and take other reasonable actions in communication with Google to make the recession effective so that UpVoice is again available on the Google Chrome Web Store;
- (2) reverse its “technical enforcement measures” blocking UpVoice from Facebook’s platform; and
- (3) restore the BrandTotal and other BrandTotal principals’ Facebook pages.

Pursuant to Civil L.R. 65-1 and as set forth in the Declaration of Rudolph A. Telscher, Jr., counsel for BrandTotal gave appropriate notice of this motion to Facebook's counsel, Jason J. Kim and Ann Marie Mortimer of Hunton Andrews Kurth LLP, 550 South Hope Street, Suite 2000, Los Angeles, CA 90071, by email and phone on October 14, 2020.

Date: October 16, 2020

Respectfully submitted,

By: /s/ Rudolph A. Telscher, Jr.

Rudolph A. Telscher, Jr.*

rudy.telscher@huschblackwell.com

Kara Fussner*

kara.fussner@huschblackwell.com

HUSCH BLACKWELL LLP

190 Carondelet Plaza, Suite 600

St. Louis, MO 63105

314-480-1500 Telephone

Ryan B. Hauer*

ryan.hauer@huschblackwell.com

HUSCH BLACKWELL LLP

120 South Riverside Plaza Suite 2200

Chicago, IL 60606

312-526-1572 Telephone

*admitted *pro hac vice*

William E. Corum (to be admitted *pro hac vice*)

william.corum@huschblackwell.com

HUSCH BLACKWELL LLP

4800 Main Street, Ste. 1000

Kansas City, MO 64112

816-983-8000 Telephone

David Stauss (to be admitted *pro hac vice*)

david.stauss@huschblackwell.com

HUSCH BLACKWELL LLP

180 1 Wewatta Street, Suite 1000

Denver, CO 80202

303-749-7200 Telephone

Karl Kronenberger (CA Bar No. 226112)

karl@krinternetlaw.com

Jeffrey M. Rosenfeld (CA Bar No. 222187)

jeff@krinternetlaw.com

KRONENBERGER ROSENFELD, LLP

1 150 Post Street, Suite 520
2 San Francisco, CA 94108
3 415-955-1155 Telephone
4 415-955-1158 Facsimile

5 *Attorneys for Defendants BrandTotal, Ltd. and*
6 *Unimania, Inc.*
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2020, I caused the foregoing to be filed electronically with the Clerk of Court and to be served via the Court's Electronic Filing System upon all counsel of record, and to be served via email on all counsel of record at the following:

HUNTON ANDREWS KURTH LLP
Ann Marie Mortimer (State Bar No. 169077)
amortimer@HuntonAK.com
Jason J. Kim (State Bar No. 221476)
kimj@HuntonAK.com
Jeff R. R. Nelson (State Bar No. 301546)
jnelson@HuntonAK.com
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627
Telephone: (213) 532-2000
Facsimile: (213) 532-2020

Attorneys for Plaintiff Facebook, Inc.

/s/ Rudolph A. Telscher, Jr.